

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

SHANE WEBSTER UPCHURCH,

Plaintiff,

v.

WASTEQUIP LLC and TRAVELERS
INDEMNITY AMERICA,

Defendant.

Case No. 20-CIV-066-RAW

ORDER

Before the court are Plaintiff's "Federal Questions, Private Right to Relief from Retaliation under Title VII [Doc. 30], Motion of Aggrieved Person by Such Failure [Doc. 31], and Violation of Conscience [Doc. 34] which "motions" appear to be more a recitation of beliefs and recounting of irrelevant events rather than a "simple, concise and direct" pleading seeking some discernible relief. Rule 8(d)(1) Fed.R.Civ.P. Rather than citing arguments of substance, Plaintiff relies on "mere conclusory allegations with no...legal authority for support." See *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836 (10th Cir. 2005).

In the Violation of Conscience filing, the Plaintiff resorts to summarizing an encounter with a workman's compensation judge using derogatory and abusive language towards the court. Pursuant to Fed.R.Civ.P. 12 (f), a "court may strike from a pleading...any redundant, immaterial, impertinent, or scandalous matter." Although a *pro se* litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers, *pro se* parties must follow the same rules of procedure that govern other litigants. *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836 (10th Cir. 2005). "[I]f the complaint or other pleadings

are abusive or contain offensive language, they may be stricken *sua sponte* under the inherent powers of the court.” *Id.*, at 838, (citing *Phillips v. Carey*, 638 F.2d 207, 208 (10th Cir. 1981).

The court finds that Plaintiff’s filings [Doc. Nos. 30, 31, and 34] are comprised of redundant, immaterial, impertinent, and scandalous material and are hereby stricken.

IT IS SO ORDERED THIS 29th day of September, 2021.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive, flowing style.

HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA